

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2320**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line  
2 and insert “creating new provisions; amending ORS 90.630, 144.102, 144.641,  
3 163.476, 163.479, 181.800, 181.801, 181.803, 181.806, 181.807, 181.808, 181.809,  
4 181.810, 181.812, 181.817, 181.820, 181.821, 181.835 and 181.837 and sections 7,  
5 34 and 37, chapter 708, Oregon Laws 2013; repealing ORS 181.838, 181.839 and  
6 181.840; and declaring an emergency.”.

7 Delete lines 4 through 18 and insert:

8

9 **“SEX OFFENDER CLASSIFICATION**

10

11 **“SECTION 1.** ORS 181.800 is amended to read:

12 “181.800. The [*Department of Corrections shall*] **State Board of Parole**  
13 **and Post-Prison Supervision shall, in consultation with community**  
14 **corrections agencies,** adopt by rule a sex offender risk assessment [*tool*]  
15 **methodology** for use in classifying sex offenders [*based on the statistical*  
16 *likelihood that an individual sex offender will commit another sex crime*].  
17 Application of the risk assessment [*tool*] **methodology** to a sex offender must  
18 result in placing the sex offender in one of the following levels:

19 “(1) A level one sex offender who presents the lowest risk of reoffending  
20 and requires a limited range of notification.

21 “(2) A level two sex offender who presents a moderate risk of reoffending  
22 and requires a moderate range of notification.

1 “(3) A level three sex offender who presents the highest risk of reoffend-  
2 ing and requires the widest range of notification.

3 **“SECTION 2.** ORS 181.801 is amended to read:

4 “181.801. (1) When a person convicted of a crime described in ORS 163.355  
5 to 163.427 is sentenced to a term of imprisonment in a Department of Cor-  
6 rections institution for that crime, the [*department*] **State Board of Parole  
7 and Post-Prison Supervision** shall [*conduct a risk assessment of*] **assess** the  
8 person utilizing the risk assessment [*tool*] **methodology** described in ORS  
9 181.800. **The board shall apply the results of the assessment to place  
10 the person in one of the levels described in ORS 181.800** before the per-  
11 son is released from custody.

12 “(2) When a person convicted of a sex crime is sentenced to a term of  
13 incarceration in a jail, or is discharged, released or placed on probation by  
14 the court, the supervisory authority as defined in ORS 144.087 shall [*conduct  
15 a risk assessment of*] **assess** the person utilizing the risk assessment [*tool*]  
16 **methodology** described in ORS 181.800 **and apply the results of the as-  
17 sessment to place the person in one of the levels described in ORS  
18 181.800** no later than 60 days after the person is released from jail or dis-  
19 charged, released or placed on probation by the court.

20 “(3)(a) When a person is found guilty except for insanity of a sex crime,  
21 the [*State Board of Parole and Post-Prison Supervision*] **Psychiatric Secu-  
22 rity Review Board or the Oregon Health Authority** shall [*conduct a risk  
23 assessment of*] **assess** the person utilizing the risk assessment [*tool*] **meth-  
24 odology** described in ORS 181.800 **and apply the results of the assessment  
25 to place the person in one of the levels described in ORS 181.800  
26 [within] no later than** 60 days after the person is:

27 “(A) Placed on conditional release by the Psychiatric Security Review  
28 Board or the Oregon Health Authority;

29 “(B) Discharged from the jurisdiction of the Psychiatric Security Review  
30 Board or the Oregon Health Authority;

1 “(C) Placed on conditional release by the court pursuant to ORS 161.327;  
2 or

3 “(D) Discharged by the court pursuant to ORS 161.329.

4 “(b) [*The Psychiatric Security Review Board or the Oregon Health Au-*  
5 *thority shall notify the State Board of Parole and Post-Prison Supervision*  
6 *when the Psychiatric Security Review Board or the authority conditionally*  
7 *releases or discharges a person described in paragraph (a) of this subsection.*]

8 **If the State Board of Parole and Post-Prison Supervision previously**  
9 **completed a risk assessment and assigned a classification level de-**  
10 **scribed in ORS 181.800 for a person described in paragraph (a) of this**  
11 **subsection, the Psychiatric Security Review Board or the Oregon**  
12 **Health Authority need not complete a reassessment for an initial**  
13 **classification.**

14 “(c) The court shall notify the [*State Board of Parole and Post-Prison*  
15 *Supervision*] **Psychiatric Security Review Board** when the court condi-  
16 tionally releases or discharges a person described in paragraph (a) of this  
17 subsection.

18 “(d) **The Psychiatric Security Review Board or the Oregon Health**  
19 **Authority shall notify the State Board of Parole and Post-Prison**  
20 **Supervision no later than seven days after the Psychiatric Security**  
21 **Review Board or the authority conditionally releases or discharges a**  
22 **person who has a prior sex crime conviction that obligates the person**  
23 **to report as a sex offender, unless the person has also been found**  
24 **guilty except for insanity of a sex crime that obligates the person to**  
25 **report as a sex offender.**

26 “(4) Within 60 days after the event triggering the obligation to make an  
27 initial report, the State Board of Parole and Post-Prison Supervision shall  
28 [*conduct a risk assessment of*] **assess** a person utilizing the risk assessment  
29 [*tool*] **methodology** described in ORS 181.800 **and apply the results of the**  
30 **assessment to place the person in one of the levels described in ORS**

1 **181.800** if the person:

2 “(a) Has been convicted in another United States court of a crime:

3 “(A) That would constitute a sex crime if committed in this state; or

4 “(B) For which the person would have to register as a sex offender in that  
5 court’s jurisdiction, or as required under federal law, regardless of whether  
6 the crime would constitute a sex crime in this state; or

7 “(b) Has been convicted of a sex crime and was sentenced to a term of  
8 imprisonment in a Department of Corrections institution for that sex crime,  
9 but was not subjected to a risk assessment utilizing the risk assessment  
10 [tool] **methodology** described in ORS 181.800 before release under subsection  
11 (1) of this section.

12 “(5) When [*the Department of Corrections,*] the State Board of Parole and  
13 Post-Prison Supervision, **the Psychiatric Security Review Board, the**  
14 **Oregon Health Authority** or a supervisory authority [*conducts a risk as-*  
15 *essment under this section*] **applies the results of a risk assessment to**  
16 **place a person in one of the levels described in ORS 181.800**, the agency  
17 shall notify the Department of State Police of the results of the risk assess-  
18 ment **within three business days after the agency’s classification**. Upon  
19 receipt, the Department of State Police shall enter the results of the risk  
20 assessment into the Law Enforcement Data System.

21 **“SECTION 3.** ORS 181.803 is amended to read:

22 “181.803. Notwithstanding any other provision of law:

23 “[*(1) A person required to report as a sex offender under ORS 181.806,*  
24 *181.807 or 181.808 is classified as a level three sex offender under ORS 181.800*  
25 *(3) unless:*]

26 “[*(a) Following a risk assessment conducted under ORS 181.801, the person*  
27 *is classified as a level two sex offender under ORS 181.800 (2) or as a level*  
28 *one sex offender under ORS 181.800 (1); or]*

29 “[*(b) After filing a petition under ORS 181.821 (2), the person is reclassified*  
30 *as a level two sex offender under ORS 181.800 (2) by the State Board of Parole*”

1 *and Post-Prison Supervision or the Psychiatric Security Review Board.]*

2 “[2] (1) A person who is a sexually violent dangerous offender under  
3 ORS 137.765:

4 “(a) Must be classified as a level three sex offender under ORS 181.800 (3);  
5 and

6 “(b) Is not eligible for relief from the obligation to report as a sex  
7 offender or reclassification as a level two sex offender under ORS 181.800 (2),  
8 pursuant to a petition filed under ORS 181.821.

9 “[3] (2) A person who has been convicted or found guilty except for in-  
10 sanity of one of the following offenses is not eligible for relief from the ob-  
11 ligation to report as a sex offender pursuant to a petition filed under ORS  
12 181.821 (1):

13 “(a) Rape in the first degree;

14 “(b) Sodomy in the first degree;

15 “(c) Unlawful sexual penetration in the first degree;

16 “(d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or  
17 when the victim is under 18 years of age; or

18 “(e) Burglary in the first degree when committed with the intent to com-  
19 mit any of the offenses listed in ORS 181.805 (5)(a) to (t).

20 “(3) **A person classified as a level three sex offender under section**  
21 **7 (2)(b), chapter 708, Oregon Laws 2013 is not eligible for relief from**  
22 **the obligation to report as a sex offender pursuant to a petition filed**  
23 **under ORS 181.821 (1).**

24 “**SECTION 4.** ORS 181.821 is amended to read:

25 “181.821. (1)(a) A person who is required to report as a sex offender under  
26 ORS 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is  
27 classified as a level one sex offender under ORS 181.800 (1) may petition the  
28 State Board of Parole and Post-Prison Supervision to relieve the person from  
29 the obligation to report as a sex offender under ORS 181.806, 181.807 or  
30 181.808.

1       “(b) A person who is required to report as a sex offender under ORS  
2 181.806, 181.807 or 181.808 due to being found guilty except for insanity under  
3 ORS 161.295 for a sex crime, and is classified as a level one sex offender  
4 under ORS 181.800 (1), may petition the Psychiatric Security Review Board  
5 to relieve the person from the obligation to report as a sex offender under  
6 ORS 181.806, 181.807 or 181.808.

7       “(c)(A) Except as otherwise provided in subparagraph (B) of this para-  
8 graph, a person described in paragraph (a) or (b) of this subsection may file  
9 the petition no sooner than five years after the date supervision for the sex  
10 crime is terminated or, if the person was not subject to supervision for the  
11 sex crime, five years after the date the person was discharged from the ju-  
12 risdiction of the court, Psychiatric Security Review Board or Oregon Health  
13 Authority.

14       “(B) A person who was reclassified under subsection (2) of this section  
15 from a level two sex offender under ORS 181.800 (2) to a level one sex  
16 offender under ORS 181.800 (1) may file the petition no sooner than five years  
17 after the date of reclassification.

18       “(d) Notwithstanding paragraph (c) of this subsection, if a person is re-  
19 quired to report because of a conviction or finding of guilty except for in-  
20 sanity from another United States court as that term is defined in ORS  
21 181.805, the person may not petition for relief from reporting as a sex  
22 offender in Oregon unless the laws of the jurisdiction where the person was  
23 convicted or found guilty except for insanity would permit a petition for re-  
24 lief from reporting as a sex offender.

25       “(2)(a) A person who is required to report as a sex offender under ORS  
26 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classi-  
27 fied as a level three sex offender under ORS 181.800 (3) may petition the  
28 State Board of Parole and Post-Prison Supervision to reclassify the person  
29 as a level two sex offender under ORS 181.800 (2).

30       “(b) A person who is required to report as a sex offender under ORS

1 181.806, 181.807 or 181.808 due to being found guilty except for insanity under  
2 ORS 161.295 for a sex crime, and is classified as a level three sex offender  
3 under ORS 181.800 (3), may petition the Psychiatric Security Review Board  
4 to reclassify the person as a level two sex offender under ORS 181.800 (2).

5 “(c) A person who is required to report as a sex offender under ORS  
6 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classi-  
7 fied as a level two sex offender under ORS 181.800 (2) may petition the State  
8 Board of Parole and Post-Prison Supervision to reclassify the person as a  
9 level one sex offender under ORS 181.800 (1).

10 “(d) A person who is required to report as a sex offender under ORS  
11 181.806, 181.807 or 181.808 due to being found guilty except for insanity under  
12 ORS 161.295 for a sex crime, and is classified as a level two sex offender  
13 under ORS 181.800 (2), may petition the Psychiatric Security Review Board  
14 to reclassify the person as a level one sex offender under ORS 181.800 (1).

15 “(e) The petition described in this subsection may be filed no sooner than  
16 10 years after the date supervision for the sex crime is terminated or, if the  
17 person was not subject to supervision for the sex crime, 10 years after the  
18 date the person was discharged from the jurisdiction of the court, Psychiatric  
19 Security Review Board or Oregon Health Authority.

20 “(3)(a) The State Board of Parole and Post-Prison Supervision or the  
21 Psychiatric Security Review Board shall deny a petition filed under this  
22 section if, at any time after the person is convicted or found guilty except  
23 for insanity of a sex crime, the person is convicted of or found guilty except  
24 for insanity of a person felony or a person Class A misdemeanor, as those  
25 terms are defined in the rules of the Oregon Criminal Justice Commission.

26 “(b) The appropriate board shall deny a petition filed under subsection  
27 (2)(c) or (d) of this section if the board has previously reclassified the person  
28 as a level two sex offender under ORS 181.800 (2) as the result of a petition  
29 filed under subsection (2)(a) or (b) of this section.

30 “(4)(a) Except as otherwise provided in subsection (3) of this section, if

1 a person files a petition under subsection (1) of this section, the State Board  
2 of Parole and Post-Prison Supervision or the Psychiatric Security Review  
3 Board shall hold a hearing. At the hearing, the board shall enter an order  
4 relieving the person of the obligation to report as a sex offender under ORS  
5 181.806, 181.807 or 181.808 if the board determines, by clear and convincing  
6 evidence, that the person:

7 “(A) Is statistically unlikely to reoffend; and

8 “(B) Does not pose a threat to the safety of the public.

9 “(b)(A) Except as otherwise provided in subsection (3) of this section, if  
10 a person files a petition under subsection (2)(a) or (b) of this section, the  
11 State Board of Parole and Post-Prison Supervision or the Psychiatric Secu-  
12 rity Review Board shall hold a hearing. At the hearing, the board shall enter  
13 an order reclassifying the person as a level two sex offender under ORS  
14 181.800 (2) if, after completion of a new risk assessment utilizing the risk  
15 assessment [*tool*] **methodology** described in ORS 181.800, the person is clas-  
16 sified as presenting a low or moderate risk of reoffending and the board de-  
17 termines that a lower level of notification is sufficient to protect public  
18 safety.

19 “(B) Except as otherwise provided in subsection (3) of this section, if a  
20 person files a petition under subsection (2)(c) or (d) of this section, the State  
21 Board of Parole and Post-Prison Supervision or the Psychiatric Security  
22 Review Board shall hold a hearing. At the hearing, the board shall enter an  
23 order reclassifying the person as a level one sex offender under ORS 181.800  
24 (1) if, after completion of a new risk assessment utilizing the risk assessment  
25 [*tool*] **methodology** described in ORS 181.800, the person is classified as  
26 presenting a low risk of reoffending and the board determines that a lower  
27 level of notification is sufficient to protect public safety.

28 “(5) In making the determinations described in subsection (4) of this sec-  
29 tion, the State Board of Parole and Post-Prison Supervision or the Psychi-  
30 atric Security Review Board shall consider:



1 “(a) The nature of and degree of violence involved in the offense that  
2 requires reporting;

3 “(b) The age and number of victims of the offense that requires reporting;

4 “(c) The age of the person at the time of the offense that requires re-  
5 porting;

6 “(d) The length of time since the offense that requires reporting and the  
7 time period during which the person has not reoffended;

8 “(e) The person’s performance on supervision for the offense that requires  
9 reporting;

10 “(f) Whether the person has participated in or successfully completed a  
11 court-approved sex offender treatment program or any other rehabilitative  
12 programs;

13 “(g) The person’s stability in employment and housing;

14 “(h) The person’s community and personal support system;

15 “(i) Other criminal and relevant noncriminal behavior of the person both  
16 before and after the offense that requires reporting; and

17 “(j) Any other relevant factors.

18 “(6)(a) The Attorney General may represent the state at a hearing con-  
19 ducted under this section unless the district attorney of the county in which  
20 the person was convicted or, if the conviction for which the person is re-  
21 quired to report as a sex offender was entered in another United States  
22 court, the district attorney of the county in which the person resides, elects  
23 to represent the state.

24 “(b) If a district attorney elects to represent the state, the district attor-  
25 ney shall give timely written notice of the election to the Attorney General,  
26 the State Board of Parole and Post-Prison Supervision or the Psychiatric  
27 Security Review Board and the person who is the subject of the hearing.

28 “(c) If the district attorney declines to represent the state, the district  
29 attorney shall cooperate with the Attorney General in securing the material  
30 necessary to represent the state.

1 “(7)(a) When the State Board of Parole and Post-Prison Supervision or the  
2 Psychiatric Security Review Board enters an order under this section re-  
3 lieving a person of the obligation to report as a sex offender under ORS  
4 181.806, 181.807 or 181.808 or enters an order reclassifying a person as a level  
5 two sex offender under ORS 181.800 (2) or as a level one sex offender under  
6 ORS 181.800 (1), the board shall forward a copy of the order to the Depart-  
7 ment of State Police.

8 “(b) Upon receipt of an order relieving a person of the obligation to re-  
9 port, the department shall remove from the Law Enforcement Data System  
10 the sex offender information obtained from the sex offender registration form  
11 submitted under ORS 181.806, 181.807 or 181.808.

12 “(c) Upon receipt of an order reclassifying a person as a level two sex  
13 offender under ORS 181.800 (2) or as a level one sex offender under ORS  
14 181.800 (1), the department shall update the Law Enforcement Data System  
15 to reflect the reclassification.

16 “(8) The State Board of Parole and Post-Prison Supervision and the Psy-  
17 chiatric Security Review Board shall adopt rules to carry out the provisions  
18 of this section. The rules may include a filing fee in an amount determined  
19 by the appropriate board. All fees paid under this subsection shall be de-  
20 posited into the General Fund and credited to the account of the appropriate  
21 board.

22 “(9) As used in this section, ‘supervision’ means probation, parole, post-  
23 prison supervision or any other form of supervised or conditional release.

24

25 **“SEX OFFENDER REPORTING**

26

27 **“SECTION 5.** ORS 181.806 is amended to read:

28 “181.806. (1) The agency to which a person reports under subsection (3)  
29 of this section shall complete a sex offender registration form concerning the  
30 person when the person reports under subsection (3) of this section.

1       “(2) Subsection (3) of this section applies to a person who:  
2       “(a) Is discharged, paroled or released on any form of supervised or con-  
3       ditional release from a jail, prison or other correctional facility or detention  
4       facility in this state at which the person was confined as a result of:  
5       “(A) Conviction of a sex crime or a crime for which the person would  
6       have to register as a sex offender under federal law; or  
7       “(B) Having been found guilty except for insanity of a sex crime;  
8       “(b) Is paroled to this state under ORS 144.610 after being convicted in  
9       another United States court of a crime:  
10       “(A) That would constitute a sex crime if committed in this state; or  
11       “(B) For which the person would have to register as a sex offender in that  
12       court’s jurisdiction, or as required under federal law, regardless of whether  
13       the crime would constitute a sex crime in this state; or  
14       “(c) Is discharged by the court under ORS 161.329 after having been found  
15       guilty except for insanity of a sex crime.  
16       “(3)(a) A person described in subsection (2) of this section shall report,  
17       in person, to the Department of State Police, a city police department or a  
18       county sheriff’s office, in the county to which the person was discharged,  
19       paroled or released or in which the person was otherwise placed:  
20       “(A) Within 10 days following discharge, release on parole, post-prison  
21       supervision or other supervised or conditional release;  
22       “(B) Within 10 days of a change of residence;  
23       “(C) Once each year within 10 days of the person’s birth date, regardless  
24       of whether the person changed residence;  
25       “(D) Within 10 days of the first day the person works at, carries on a  
26       vocation at or attends an institution of higher education; and  
27       “(E) Within 10 days of a change in work, vocation or attendance status  
28       at an institution of higher education.  
29       “(b) If a person required to report under this subsection has complied with  
30       the initial reporting requirement under paragraph (a)(A) of this subsection,

1 the person shall subsequently report, in person, in the circumstances speci-  
2 fied in paragraph (a) of this subsection, as applicable, to the Department of  
3 State Police, a city police department or a county sheriff's office, in the  
4 county of the person's last reported residence.

5 **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, a**  
6 **person required to report under this subsection:**

7 **“(A) Who is a youth offender committed to the Oregon Youth Au-**  
8 **thority by order of the juvenile court or placed in the physical custody**  
9 **of the authority under ORS 137.124 or another provision of law may**  
10 **report to the authority.**

11 **“(B) Who is a youth offender or a young person, as defined in ORS**  
12 **419A.004, and who is under supervision to a juvenile department of a**  
13 **county may report to the juvenile department.**

14 **“[(c)] (d)** The obligation to report under this subsection terminates if the  
15 conviction or adjudication that gave rise to the obligation is reversed or  
16 vacated or if the registrant is pardoned.

17 **“(4)** As part of the registration and reporting requirements of this section:

18 **“(a)** The person required to report shall:

19 **“(A)** Provide the information necessary to complete the sex offender reg-  
20 istration form and sign the form as required; and

21 **“(B)** Submit to the requirements described in paragraph (b) of this sub-  
22 section.

23 **“(b)** The Department of State Police, **Oregon Youth Authority, county**  
24 **juvenile department, [the]** city police department or **[the]** county sheriff's  
25 office:

26 **“(A)** Shall photograph the person when the person initially reports under  
27 this section and each time the person reports annually under this section;

28 **“(B)** May photograph the person or any identifying scars, marks or  
29 tattoos located on the person when the person reports under any of the cir-  
30 cumstances described in this section; and

1 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
2 cluded in the record file of the Department of State Police.

3 **“SECTION 6.** ORS 181.807 is amended to read:

4 “181.807. (1) The agency to which a person reports under subsection (4)  
5 of this section shall complete a sex offender registration form concerning the  
6 person when the person reports under subsection (4) of this section.

7 “(2) Subsection (4) of this section applies to a person who is discharged,  
8 released or placed on probation:

9 “(a) By the court after being convicted in this state of a sex crime;

10 “(b) By a federal court after being convicted of a crime for which the  
11 person would have to register as a sex offender under federal law, regardless  
12 of whether the crime would constitute a sex crime in this state; or

13 “(c) To or in this state under ORS 144.610 after being convicted in another  
14 United States court of a crime:

15 “(A) That would constitute a sex crime if committed in this state; or

16 “(B) For which the person would have to register as a sex offender in that  
17 court’s jurisdiction, regardless of whether the crime would constitute a sex  
18 crime in this state.

19 “(3) The court shall ensure that the person completes a form that docu-  
20 ments the person’s obligation to report under ORS 181.806 or this section.  
21 No later than three working days after the person completes the form re-  
22 quired by this subsection, the court shall ensure that the form is sent to the  
23 Department of State Police.

24 “(4)(a) A person described in subsection (2) of this section shall report,  
25 in person, to the Department of State Police, a city police department or a  
26 county sheriff’s office, in the county to which the person was discharged or  
27 released or in which the person was placed on probation:

28 “(A) Within 10 days following discharge, release or placement on pro-  
29 bation;

30 “(B) Within 10 days of a change of residence;

1 “(C) Once each year within 10 days of the person’s birth date, regardless  
2 of whether the person changed residence;

3 “(D) Within 10 days of the first day the person works at, carries on a  
4 vocation at or attends an institution of higher education; and

5 “(E) Within 10 days of a change in work, vocation or attendance status  
6 at an institution of higher education.

7 “(b) If a person required to report under this subsection has complied with  
8 the initial reporting requirement under paragraph (a)(A) of this subsection,  
9 the person shall subsequently report, in person, in the circumstances speci-  
10 fied in paragraph (a) of this subsection, as applicable, to the Department of  
11 State Police, a city police department or a county sheriff’s office, in the  
12 county of the person’s last reported residence.

13 **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, a  
14 person required to report under this subsection:**

15 **“(A) Who is a youth offender committed to the Oregon Youth Au-  
16 thority by order of the juvenile court or placed in the physical custody  
17 of the authority under ORS 137.124 or another provision of law may  
18 report to the authority.**

19 **“(B) Who is a youth offender or a young person, as defined in ORS  
20 419A.004, and who is under supervision to a juvenile department of a  
21 county may report to the juvenile department.**

22 “[c] **(d)** The obligation to report under this subsection terminates if the  
23 conviction or adjudication that gave rise to the obligation is reversed or  
24 vacated or if the registrant is pardoned.

25 “(5) As part of the registration and reporting requirements of this section:

26 “(a) The person required to report shall:

27 “(A) Provide the information necessary to complete the sex offender reg-  
28 istration form and sign the form as required; and

29 “(B) Submit to the requirements described in paragraph (b) of this sub-  
30 section.

1 “(b) The Department of State Police, **Oregon Youth Authority, county**  
2 **juvenile department**, [*the*] city police department or [*the*] county sheriff’s  
3 office:

4 “(A) Shall photograph the person when the person initially reports under  
5 this section and each time the person reports annually under this section;

6 “(B) May photograph the person or any identifying scars, marks or  
7 tattoos located on the person when the person reports under any of the cir-  
8 cumstances described in this section; and

9 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
10 cluded in the record file of the Department of State Police.

11 **“SECTION 7.** ORS 181.808 is amended to read:

12 “181.808. (1)(a) When a person described in subsection (6) of this section  
13 moves into this state and is not otherwise required by ORS 181.806, 181.807  
14 or 181.809 to report, the person shall report, in person, to the Department  
15 of State Police [*in Marion County, Oregon*], **a city police department or a**  
16 **county sheriff’s office, in the county of the person’s residence:**

17 “(A) No later than 10 days after moving into this state;

18 “(B) Within 10 days of a change of residence;

19 “(C) Once each year within 10 days of the person’s birth date, regardless  
20 of whether the person changed residence;

21 “(D) Within 10 days of the first day the person works at, carries on a  
22 vocation at or attends an institution of higher education; and

23 “(E) Within 10 days of a change in work, vocation or attendance status  
24 at an institution of higher education.

25 “(b) If a person required to report under this subsection has complied with  
26 the initial reporting requirement under paragraph (a)(A) of this subsection,  
27 the person shall subsequently report, in person, in the circumstances speci-  
28 fied in paragraph (a) of this subsection, as applicable, to the Department of  
29 State Police, a city police department or a county sheriff’s office, in the  
30 county of the person’s last reported residence.

1       “(2)(a) When a person described in ORS 181.806 (2) or 181.807 (2) or sub-  
2 section (6) of this section attends school or works in this state, resides in  
3 another state and is not otherwise required by ORS 181.806, 181.807 or  
4 181.809 to report, the person shall report, in person, to the Department of  
5 State Police, a city police department or a county sheriff’s office, in the  
6 county in which the school or place of work is located, no later than 10 days  
7 after:

8       “(A) The first day of school attendance or the 14th day of employment in  
9 this state; and

10       “(B) A change in school enrollment or employment.

11       “(b) As used in this subsection, ‘attends school’ means enrollment in any  
12 type of school on a full-time or part-time basis.

13       “(3)(a) When a person described in subsection (6) of this section resides  
14 in this state at the time of the conviction or adjudication giving rise to the  
15 obligation to report, continues to reside in this state following the conviction  
16 or adjudication and is not otherwise required by ORS 181.806, 181.807 or  
17 181.809 to report, the person shall report, in person, to the Department of  
18 State Police [*in Marion County, Oregon*], **a city police department or a**  
19 **county sheriff’s office, in the county of the person’s residence:**

20       “(A) Within 10 days following:

21       “(i) Discharge, release on parole or release on any form of supervised or  
22 conditional release, from a jail, prison or other correctional facility or de-  
23 tention facility; or

24       “(ii) Discharge, release or placement on probation, by another United  
25 States court;

26       “(B) Within 10 days of a change of residence;

27       “(C) Once each year within 10 days of the person’s birth date, regardless  
28 of whether the person has changed residence;

29       “(D) Within 10 days of the first day the person works at, carries on a  
30 vocation at or attends an institution of higher education; and



1 “(E) Within 10 days of a change in work, vocation or attendance status  
2 at an institution of higher education.

3 “(b) If a person required to report under this subsection has complied with  
4 the applicable initial reporting requirement under paragraph (a)(A) of this  
5 subsection, the person shall subsequently report, in person, in the circum-  
6 stances specified in paragraph (a) of this subsection, as applicable, to the  
7 Department of State Police, a city police department or a county sheriff’s  
8 office, in the county of the person’s last reported residence.

9 “(4) When a person reports under this section, the agency to which the  
10 person reports shall complete a sex offender registration form concerning the  
11 person.

12 “(5) The obligation to report under this section terminates if the con-  
13 viction or adjudication that gave rise to the obligation is reversed or vacated  
14 or if the registrant is pardoned.

15 “(6) Subsections (1) to (5) of this section apply to a person convicted in  
16 another United States court of a crime:

17 “(a) That would constitute a sex crime if committed in this state; or

18 “(b) For which the person would have to register as a sex offender in that  
19 court’s jurisdiction, or as required under federal law, regardless of whether  
20 the crime would constitute a sex crime in this state.

21 “(7) As part of the registration and reporting requirements of this section:

22 “(a) The person required to report shall:

23 “(A) Provide the information necessary to complete the sex offender reg-  
24 istration form and sign the form as required; and

25 “(B) Submit to the requirements described in paragraph (b) of this sub-  
26 section.

27 “(b) The Department of State Police, the city police department or the  
28 **county** sheriff’s office:

29 “(A) Shall photograph the person when the person initially reports under  
30 this section, each time the person reports annually under subsection (1)(a)(C)

1 or (3)(a)(C) of this section and each time the person reports under subsection  
2 (2)(a)(B) of this section;

3 “(B) May photograph the person or any identifying scars, marks or  
4 tattoos located on the person when the person reports under any of the cir-  
5 cumstances described in this section; and

6 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
7 cluded in the record file of the Department of State Police.

8 **“SECTION 8.** ORS 181.809 is amended to read:

9 “181.809. (1) Unless the juvenile court enters an order under ORS 181.823  
10 or 181.826 relieving a person of the obligation to report as a sex offender,  
11 subsections (2) to (4) of this section apply to a person:

12 “(a) Who has been found to be within the jurisdiction of the juvenile  
13 court under ORS 419C.005, or found by the juvenile court to be responsible  
14 except for insanity under ORS 419C.411, for having committed an act that if  
15 committed by an adult would constitute a felony sex crime; or

16 “(b) Who has been found in a juvenile adjudication in another United  
17 States court to have committed an act while the person was under 18 years  
18 of age that would constitute a felony sex crime if committed in this state  
19 by an adult.

20 “(2) A person described in subsection (1) of this section who resides in  
21 this state shall make an initial report, in person, to the Department of State  
22 Police, a city police department or a county sheriff’s office as follows:

23 “(a) If, as a result of the juvenile adjudication for a felony sex crime, the  
24 person is discharged, released or placed on probation or any other form of  
25 supervised or conditional release by the juvenile court, the person shall make  
26 the initial report in the county in which the person is discharged, released  
27 or placed on probation or other form of supervised or conditional release,  
28 no later than 10 days after the date the person is discharged, released or  
29 placed on probation or other form of supervised or conditional release;

30 “(b) If, as a result of the juvenile adjudication for a felony sex crime, the

1 person is confined in a correctional facility by the juvenile court, the person  
2 shall make the initial report in the county in which the person is discharged  
3 or otherwise released from the facility, no later than 10 days after the date  
4 the person is discharged or otherwise released from the facility; or

5 “(c) If the person is adjudicated for the act giving rise to the obligation  
6 to report in another United States court and the person is found to have  
7 committed an act that if committed by an adult in this state would consti-  
8 tute:

9 “(A) A Class A or Class B felony sex crime:

10 “(i) If the person is not a resident of this state at the time of the adju-  
11 dication, the person shall make the initial report to the Department of State  
12 Police in Marion County, Oregon, no later than 10 days after the date the  
13 person moves into this state; or

14 “(ii) If the person is a resident of this state at the time of the adjudi-  
15 cation, the person shall make the initial report to the Department of State  
16 Police in Marion County, Oregon, no later than 10 days after the date the  
17 person is discharged, released or placed on probation or any other form of  
18 supervised or conditional release by the other United States court or, if the  
19 person is confined in a correctional facility by the other United States court,  
20 no later than 10 days after the date the person is discharged or otherwise  
21 released from the facility.

22 “(B) A Class C felony sex crime:

23 “(i) If the person is not a resident of this state at the time of the adju-  
24 dication, the person shall make the initial report to the Department of State  
25 Police in Marion County, Oregon, no later than six months after the date  
26 the person moves into this state; or

27 “(ii) If the person is a resident of this state at the time of the adjudi-  
28 cation, the person shall make the initial report to the Department of State  
29 Police in Marion County, Oregon, no later than 10 days after the date the  
30 person is discharged, released or placed on probation or any other form of

1 supervised or conditional release by the other United States court or, if the  
2 person is confined in a correctional facility by the other United States court,  
3 no later than 10 days after the date the person is discharged or otherwise  
4 released from the facility.

5 “(3) After making the initial report described in subsection (2) of this  
6 section, the person shall report, in person, to the Department of State Police,  
7 a city police department or a county sheriff’s office, in the county of the  
8 person’s last reported residence:

9 “(a) Within 10 days of a change of residence;

10 “(b) Once each year within 10 days of the person’s birth date, regardless  
11 of whether the person changed residence;

12 “(c) Within 10 days of the first day the person works at, carries on a vo-  
13 cation at or attends an institution of higher education; and

14 “(d) Within 10 days of a change in work, vocation or attendance status  
15 at an institution of higher education.

16 “(4) When a person described in subsection (1) of this section attends  
17 school or works in this state, resides in another state and is not otherwise  
18 required to report as a sex offender under this section or ORS 181.806,  
19 181.807 or 181.808, the person shall report, in person, to the Department of  
20 State Police, a city police department or a county sheriff’s office, in the  
21 county in which the person attends school or works, no later than 10 days  
22 after:

23 “(a) The first day of school attendance or the 14th day of employment in  
24 this state; and

25 “(b) A change in school enrollment or employment.

26 “(5) The agency to which a person reports under this section shall com-  
27 plete a sex offender registration form concerning the person when the person  
28 reports under this section.

29 “(6) As part of the registration and reporting requirements of this section:

30 “(a) The person required to report shall:

1 “(A) Provide the information necessary to complete the sex offender reg-  
2 istration form and sign the form as required; and

3 “(B) Submit to the requirements described in paragraph (b) of this sub-  
4 section.

5 “(b) The Department of State Police, **Oregon Youth Authority, county**  
6 **juvenile department**, [*the*] city police department or [*the*] county sheriff’s  
7 office:

8 “(A) Shall photograph the person when the person initially reports under  
9 this section and each time the person reports annually under this section;

10 “(B) May photograph the person or any identifying scars, marks or  
11 tattoos located on the person when the person reports under any of the cir-  
12 cumstances described in this section; and

13 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
14 cluded in the record file of the Department of State Police.

15 “(7) The obligation to report under this section is terminated if the ad-  
16 judication that gave rise to the obligation is reversed or vacated.

17 “(8) The court shall ensure that a person described in subsection (1)(a)  
18 of this section completes a form that documents the person’s obligation to  
19 report under this section. No later than three working days after the person  
20 completes the form required by this subsection, the court shall ensure that  
21 the form is sent to the Department of State Police.

22 “(9) **Notwithstanding subsections (2) and (3) of this section, a person**  
23 **required to report under this section:**

24 “(a) **Who is a youth offender committed to the Oregon Youth Au-**  
25 **thority by order of the juvenile court or placed in the physical custody**  
26 **of the authority under ORS 137.124 or another provision of law may**  
27 **report to the authority.**

28 “(b) **Who is a youth offender or a young person, as defined in ORS**  
29 **419A.004, and who is under supervision to a juvenile department of a**  
30 **county may report to the juvenile department.**

1        **“SECTION 9.** ORS 181.812 is amended to read:

2        “181.812. (1) A person who is required to report as a sex offender in ac-  
3 cordance with the applicable provisions of ORS 181.806, 181.807, 181.808 or  
4 181.809 and who has knowledge of the reporting requirement commits the  
5 crime of failure to report as a sex offender if the person:

6        “(a) Fails to make the initial report to an agency;

7        “(b) Fails to report when the person works at, carries on a vocation at  
8 or attends an institution of higher education;

9        “(c) Fails to report following a change of school enrollment or employ-  
10 ment status, including enrollment, employment or vocation status at an in-  
11 stitution of higher education;

12       “(d) Moves to a new residence and fails to report the move and the  
13 person’s new address;

14       “(e) Fails to make an annual report;

15       “(f) Fails to provide complete and accurate information;

16       “(g) Fails to sign the sex offender registration form as required; or

17       “(h) Fails to submit to fingerprinting or to having a photograph taken  
18 of the person’s face, identifying scars, marks or tattoos.

19       “(2)(a) It is an affirmative defense to a charge of failure to report under  
20 subsection (1)(d) of this section by a person required to report under ORS  
21 181.806 (3)(a)(B), 181.807 (4)(a)(B) or 181.809 (3)(a) that the person reported,  
22 in person, within 10 days of a change of residence to the Department of State  
23 Police, **the Oregon Youth Authority, a county juvenile department,** a  
24 city police department or a county sheriff’s office, in the county of the  
25 person’s new residence, if the person otherwise complied with all reporting  
26 requirements.

27       “(b) It is an affirmative defense to a charge of failure to report under  
28 subsection (1)(a) of this section by a person required to report under ORS  
29 [181.808 (1)(a) or] 181.809 (2)(c)(A)(i) that the person reported, in person, to  
30 the Department of State Police, **the Oregon Youth Authority, a county**

1 **juvenile department**, a city police department or a county sheriff's office,  
2 in the county of the person's new residence, within 10 days of moving into  
3 this state.

4 “(c) It is an affirmative defense to a charge of failure to report under  
5 subsection (1)(a) of this section by a person required to report under ORS  
6 181.809 (2)(c)(B)(i) that the person reported, in person, to the Department of  
7 State Police, **the Oregon Youth Authority, a county juvenile depart-**  
8 **ment**, a city police department or a county sheriff's office, in the county of  
9 the person's new residence, within six months of moving into this state.

10 “(d) It is an affirmative defense to a charge of failure to report under  
11 subsection (1) of this section by a person required to report under ORS  
12 [181.808 (3) or] 181.809 (2)(c)(A)(ii) or (B)(ii) or (3) that the person reported,  
13 in person, to the Department of State Police, **the Oregon Youth Authority,**  
14 **a county juvenile department**, a city police department or a county  
15 sheriff's office, in the county of the person's residence, if the person other-  
16 wise complied with all reporting requirements.

17 “(3)(a) Except as otherwise provided in paragraph (b) of this subsection,  
18 failure to report as a sex offender is a Class A misdemeanor.

19 “(b) Failure to report as a sex offender is a Class C felony if the person  
20 violates:

21 “(A) Subsection (1)(a) of this section; or

22 “(B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for  
23 which the person is required to report is a felony.

24 “(4) A person who fails to sign and return an address verification form  
25 as required by ORS 181.810 (4) commits a violation.

26 “**SECTION 10.** ORS 181.810 is amended to read:

27 “181.810. (1) Agencies [*required to register*] **registering** offenders under  
28 ORS 181.806, 181.807, 181.808 and 181.809 shall use forms [*provided*] **and**  
29 **procedures adopted** by the Department of State Police **by administrative**  
30 **rule.** The department shall include places on the form to list all the names

1 used by the offender and the address of the offender. No later than three  
2 working days after registration, the agency or official completing the form  
3 shall[:]

4 “[(a) *Send the original copy of the registration form to the department; or]*

5 “[(b) *Forward the registration information to the department by any means*  
6 *and, within 10 working days after registration, send the original copy of the*  
7 *registration form to the department.]* **forward the registration information**  
8 **to the department in the manner prescribed by the department.**

9 “(2) The department shall enter into the Law Enforcement Data System  
10 the sex offender information obtained from the sex offender registration  
11 forms. If a conviction or adjudication that gave rise to the registration ob-  
12 ligation is reversed or vacated or if the registrant is pardoned, the depart-  
13 ment shall remove from the Law Enforcement Data System the sex offender  
14 information obtained from the form.

15 “(3) The Law Enforcement Data System may send sex offender informa-  
16 tion to the National Crime Information Center as part of the national sex  
17 offender registry in accordance with appropriate state and federal proce-  
18 dures.

19 “(4) If the person is no longer under supervision, the department shall  
20 verify the residence address of a person determined to be a sexually violent  
21 dangerous offender as defined in ORS 137.765 every 90 days by mailing a  
22 verification form to the person at the person’s last reported residence ad-  
23 dress. No later than 10 days after receiving the form, the person shall sign  
24 and return the form to the department.

25 “(5) The department shall assess a person who is required to report under  
26 ORS 181.806, 181.807, 181.808 or 181.809 and who is not under supervision a  
27 fee of \$70 each year. Moneys received by the department under this sub-  
28 section are continuously appropriated to the department for the purpose of  
29 carrying out the department’s duties under ORS 181.800 to 181.845.

30 “**SECTION 11.** ORS 181.817 is amended to read:



1 “181.817. (1) For those sex offenders classified as a level three sex offender  
2 under ORS 181.800 (3), or designated as a predatory sex offender [*under ORS*  
3 *181.838*] **prior to January 1, 2014**, the agency making the classification or  
4 designation shall provide the Department of State Police, by electronic or  
5 other means, at the termination of supervision, with the following informa-  
6 tion for the purpose of offender profiling:

7 “(a) Presentence investigations;

8 “(b) Violation reports;

9 “(c) Parole and probation orders;

10 “(d) Conditions of parole and probation and other corrections records;

11 “(e) Sex offender risk [*assessment tools*] **assessments**; and

12 “(f) Any other information that the agency determines is appropriate dis-  
13 closure of which is not otherwise prohibited by law.

14 “(2) The Oregon Youth Authority and county juvenile departments shall  
15 provide access to information in their files to the Oregon State Police for  
16 the purpose of offender profiling.

17 “(3)(a) Except as otherwise provided by law, the Oregon State Police may  
18 not disclose information received under subsection (1) or (2) of this section.

19 “(b) The Department of State Police may release information on the  
20 methodology of offenses and behavior profiles derived from information re-  
21 ceived under subsection (1) or (2) of this section to local law enforcement  
22 agencies.

23 **“SECTION 12.** ORS 181.820 is amended to read:

24 “181.820. (1)(a) No sooner than 10 years after termination of supervision  
25 on probation, conditional release, parole or post-prison supervision, a person  
26 required to report under ORS 181.806, 181.807 or 181.808 may file a petition  
27 in circuit court for an order relieving the person of the duty to report. The  
28 person must pay the filing fee established under ORS 21.135. A petition may  
29 be filed under this section only if:

30 “(A) The person has only one conviction for a sex crime; **and**

1 “(B) The sex crime was a misdemeanor or Class C felony or, if committed  
2 in another state, would have been a misdemeanor or Class C felony if com-  
3 mitted in this state.]; *and*]

4 “[*(C) The person has not been determined to be a predatory sex offender*  
5 *as described in ORS 181.838.*]

6 “(b)(A) Except as otherwise provided in this paragraph, the petition must  
7 be filed in the circuit court of the county in which the person was convicted  
8 of the sex crime.

9 “(B) If the person was convicted of the sex crime in another state, the  
10 petition must be filed in the circuit court of the county in which the person  
11 resides.

12 “(c) The district attorney of the county in which the petition is filed shall  
13 be named and served as the respondent in the petition.

14 “(2) The court shall hold a hearing on the petition. In determining  
15 whether to grant the relief requested, the court shall consider:

16 “(a) The nature of the offense that required reporting;

17 “(b) The age and number of victims;

18 “(c) The degree of violence involved in the offense;

19 “(d) Other criminal and relevant noncriminal behavior of the petitioner  
20 both before and after the conviction that required reporting;

21 “(e) The period of time during which the petitioner has not reoffended;

22 “(f) Whether the petitioner has successfully completed a court-approved  
23 sex offender treatment program; and

24 “(g) Any other relevant factors.

25 “(3) If the court is satisfied by clear and convincing evidence that the  
26 petitioner is rehabilitated and that the petitioner does not pose a threat to  
27 the safety of the public, the court shall enter an order relieving the  
28 petitioner of the duty to report. When the court enters an order under this  
29 subsection, the petitioner shall send a certified copy of the court order to the  
30 Department of State Police.

1                   **“OFFENDER INFORMATION AVAILABLE TO PUBLIC**

2  
3           **“SECTION 13.** ORS 181.835 is amended to read:

4           “181.835. (1)(a) A notifying agency or a supervising agency shall release,  
5 upon request, any information that may be necessary to protect the public  
6 concerning sex offenders who reside in a specific area or concerning a spe-  
7 cific sex offender.

8           “(b) A notifying agency or a supervising agency may release sex offender  
9 information to a law enforcement agency if the notifying agency or super-  
10 vising agency determines that the release of information is in the public in-  
11 terest.

12           “(c) In addition to the release of information described in this subsection  
13 and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising  
14 agency may release sex offender information to the public in accordance with  
15 subsections (2) to (4) of this section.

16           “(2) If the sex offender is classified as a level three sex offender under  
17 ORS 181.800 (3):

18           “(a) The Department of State Police shall release sex offender information  
19 on a website maintained by the department; and

20           “(b) The supervising agency or a notifying agency may release sex  
21 offender information to:

22           “(A) A person that resides with the sex offender;

23           “(B) A person with whom the sex offender has a significant relationship;

24           “(C) Residential neighbors and churches, community parks, schools and  
25 child care centers, convenience stores, businesses and other places that  
26 children or other potential victims may frequent;

27           “(D) A long term care facility, as defined in ORS 442.015, or a residential  
28 care facility, as defined in ORS 443.400, if the agency knows that the sex  
29 offender is seeking admission to the facility; and

30           “(E) Local or regional media sources.

1       “(3) Notwithstanding subsection (2)(a) of this section, the Depart-  
2       ment of State Police may not use the Internet to make available to  
3       the public information concerning a sex offender classified as a level  
4       three sex offender under ORS 181.800 (3) if the person is under the  
5       supervision of the Psychiatric Security Review Board or the Oregon  
6       Health Authority.

7       “[(3)] (4) If the sex offender is classified as a level two sex offender under  
8       ORS 181.800 (2), the supervising agency or a notifying agency may release  
9       sex offender information to the persons or entities described in subsection  
10      (2)(b)(A) to (D) of this section.

11      “[(4)] (5) If the sex offender is classified as a level one sex offender under  
12      ORS 181.800 (1), the supervising agency or a notifying agency may release  
13      sex offender information to a person described in subsection (2)(b)(A) of this  
14      section.

15      “[(5)] (6) As used in this section:

16      “(a) ‘Notifying agency’ means the Department of State Police, a city po-  
17      lice department, a county sheriff’s office or a police department established  
18      by a university under ORS 352.383.

19      “(b) ‘Sex offender information’ means information that the Department  
20      of State Police determines by rule is appropriate for release to the public.

21      “(c) ‘Supervising agency’ means a governmental entity responsible for  
22      supervising a person required to report as a sex offender under ORS 181.806  
23      or 181.807.

24      “**SECTION 14.** ORS 181.837 is amended to read:

25      “181.837. (1)(a) Except as otherwise provided in [*ORS 181.839 or*] this  
26      section, when a sex offender is under the supervision of the Oregon Youth  
27      Authority or a county juvenile department for the first time as a result of  
28      committing an act that if committed by an adult would constitute a sex  
29      crime, the Department of State Police, city police department or county  
30      sheriff’s office shall release, upon request, only:

1       “(A) The sex offender’s name and year of birth;

2       “(B) The name and zip code of the city where the sex offender resides;

3       “(C) The name and telephone number of a contact person at the agency  
4 that is supervising the sex offender; and

5       “(D) The name of institutions of higher education that the sex offender  
6 attends or at which the sex offender works or carries on a vocation.

7       “(b) Notwithstanding paragraph (a) of this section, the Oregon Youth  
8 Authority or a county juvenile department shall release, upon request, any  
9 information that may be necessary to protect the public concerning a sex  
10 offender under the supervision of the authority or department.

11       “(2) Except as otherwise limited by subsection (1)(a) of this section re-  
12 garding persons who are under supervision for the first time as sex offenders,  
13 the Department of State Police, a city police department or a county sheriff’s  
14 office shall release, upon request, any information that may be necessary to  
15 protect the public concerning sex offenders required to report under ORS  
16 181.809 who reside in a specific area or concerning a specific sex offender  
17 required to report under ORS 181.809. However, the entity releasing the in-  
18 formation may not release the identity of a victim of a sex crime.

19       “(3)(a) The Department of State Police may make the information de-  
20 scribed in subsections (1) and (2) of this section available to the public,  
21 without the need for a request, by electronic or other means. The Department  
22 of State Police shall make information about a person who is under super-  
23 vision for the first time as a result of committing an act that if committed  
24 by an adult would constitute a sex crime accessible only by the use of the  
25 sex offender’s name. For all other sex offenders required to report under ORS  
26 181.809, the Department of State Police may make the information accessible  
27 in any manner the department chooses.

28       “(b) Notwithstanding paragraph (a) of this subsection, the Department of  
29 State Police may not use the Internet to make information available to the  
30 public. [*except as required by paragraph (c) of this subsection.*]

1       “(c) Notwithstanding subsections (1) and (2) of this section, the Department  
2 of State Police shall make the information described in paragraph (d) of this  
3 subsection available to the public on the website described in ORS 181.835  
4 (2)(a) if the information is about a person determined to be a predatory sex  
5 offender, as provided in ORS 181.838, who has also been determined, pursuant  
6 to rules of the agency making the predatory sex offender determination, to  
7 present the highest risk of reoffending and to require the widest range of no-  
8 tification.]

9       “(d) The information required to be made available under paragraph (c)  
10 of this subsection is:]

11       “[(A) The person’s name and address;]

12       “[(B) A physical description of the person including, but not limited to, the  
13 person’s age, height, weight and eye and hair color;]

14       “[(C) The type of vehicle that the person is known to drive;]

15       “[(D) Any conditions or restrictions upon the person’s probation or condi-  
16 tional release;]

17       “[(E) A description of the person’s primary and secondary targets;]

18       “[(F) A description of the person’s method of offense;]

19       “[(G) A current photograph of the person;]

20       “[(H) If the person is under supervision, the name or telephone number of  
21 the person’s supervising officer; and]

22       “[(I) If the person is not under supervision, contact information for the  
23 Department of State Police.]

24

25       **“TEMPORARY PROVISIONS RELATED TO HIGH-RISK OFFENDERS**

26

27       **“SECTION 15.** ORS 90.630 is amended to read:

28       “90.630. (1) Except as provided in subsection (4) of this section, the land-  
29 lord may terminate a rental agreement that is a month-to-month or fixed  
30 term tenancy for space for a manufactured dwelling or floating home by

1 giving to the tenant not less than 30 days' notice in writing before the date  
2 designated in the notice for termination if the tenant:

3 “(a) Violates a law or ordinance related to the tenant’s conduct as a  
4 tenant, including but not limited to a material noncompliance with ORS  
5 90.740;

6 “(b) Violates a rule or rental agreement provision related to the tenant’s  
7 conduct as a tenant and imposed as a condition of occupancy, including but  
8 not limited to a material noncompliance with a rental agreement regarding  
9 a program of recovery in drug and alcohol free housing;

10 “(c) Is classified as a level three sex offender under ORS 181.800 (3) [*or*  
11 *is determined to be a predatory sex offender under ORS 181.838*]; [*or*]

12 “(d) **Is an unclassified adult sex offender designated as predatory**  
13 **prior to January 1, 2014, or a person whom the State Board of Parole**  
14 **and Post-Prison Supervision, the Psychiatric Security Review Board**  
15 **or the Oregon Health Authority has classified as a level three sex**  
16 **offender under section 7 (2)(b), chapter 708, Oregon Laws 2013; or**

17 “[*d*] (e) Fails to pay a:

18 “(A) Late charge pursuant to ORS 90.260;

19 “(B) Fee pursuant to ORS 90.302; or

20 “(C) Utility or service charge pursuant to ORS 90.534 or 90.536.

21 “(2) A violation making a tenant subject to termination under subsection  
22 (1) of this section includes a tenant’s failure to maintain the space as re-  
23 quired by law, ordinance, rental agreement or rule, but does not include the  
24 physical condition of the dwelling or home. Termination of a rental agree-  
25 ment based upon the physical condition of a dwelling or home shall only be  
26 as provided in ORS 90.632.

27 “(3) The notice required by subsection (1) of this section shall state facts  
28 sufficient to notify the tenant of the reasons for termination of the tenancy  
29 and state that the tenant may avoid termination by correcting the violation  
30 as provided in subsection (4) of this section.

1       “(4) The tenant may avoid termination of the tenancy by correcting the  
2 violation within the 30-day period specified in subsection (1) of this section.  
3 However, if substantially the same act or omission that constituted a prior  
4 violation of which notice was given recurs within six months after the date  
5 of the notice, the landlord may terminate the tenancy upon at least 20 days’  
6 written notice specifying the violation and the date of termination of the  
7 tenancy.

8       “(5) Notwithstanding subsection (3) or (4) of this section, a tenant who  
9 is given a notice of termination under subsection (1)(c) of this section does  
10 not have a right to correct the violation. A notice given to a tenant under  
11 subsection (1)(c) of this section must state that the tenant does not have a  
12 right to avoid the termination.

13       “(6) This section does not limit a landlord’s right to terminate a tenancy  
14 for nonpayment of rent under ORS 90.394 or for other cause under ORS  
15 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to  
16 105.168.

17       “(7) A tenancy terminates on the date designated in the notice and with-  
18 out regard to the expiration of the period for which, by the terms of the  
19 rental agreement, rents are to be paid. Unless otherwise agreed, rent is  
20 uniformly apportionable from day to day.

21       “(8) Notwithstanding any other provision of this section or ORS 90.394,  
22 90.396 or 90.398, the landlord may terminate the rental agreement for space  
23 for a manufactured dwelling or floating home because of repeated late pay-  
24 ment of rent by giving the tenant not less than 30 days’ notice in writing  
25 before the date designated in that notice for termination and may take pos-  
26 session as provided in ORS 105.105 to 105.168 if:

27       “(a) The tenant has not paid the monthly rent prior to the eighth day of  
28 the rental period as described in ORS 90.394 (2)(a) or the fifth day of the  
29 rental period as described in ORS 90.394 (2)(b) in at least three of the pre-  
30 ceding 12 months and the landlord has given the tenant a nonpayment of rent



1 termination notice pursuant to ORS 90.394 (2) during each of those three  
2 instances of nonpayment;

3 “(b) The landlord warns the tenant of the risk of a 30-day notice for ter-  
4 mination with no right to correct the cause, upon the occurrence of a third  
5 nonpayment of rent termination notice within a 12-month period. The warn-  
6 ing must be contained in at least two nonpayment of rent termination notices  
7 that precede the third notice within a 12-month period or in separate written  
8 notices that are given concurrent with, or a reasonable time after, each of  
9 the two nonpayment of rent termination notices; and

10 “(c) The 30-day notice of termination states facts sufficient to notify the  
11 tenant of the cause for termination of the tenancy and is given to the tenant  
12 concurrent with or after the third or a subsequent nonpayment of rent ter-  
13 mination notice.

14 “(9) Notwithstanding subsection (4) of this section, a tenant who receives  
15 a 30-day notice of termination pursuant to subsection (8) of this section does  
16 not have a right to correct the cause for the notice.

17 “(10) The landlord may give a copy of the notice required by subsection  
18 (8) of this section to any lienholder of the manufactured dwelling or floating  
19 home by first class mail with certificate of mailing or by any other method  
20 allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for  
21 any damages incurred by the tenant as a result of the landlord giving a copy  
22 of the notice in good faith to a lienholder. A lienholder’s rights and obli-  
23 gations regarding an abandoned manufactured dwelling or floating home  
24 shall be as provided under ORS 90.675.

25 **“SECTION 16.** ORS 144.641 is amended to read:

26 “144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

27 “(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

28 “(2) ‘Dwelling’ does not include a residential treatment facility or a  
29 halfway house.

30 “(3) ‘Halfway house’ means a publicly or privately operated profit or

1 nonprofit residential facility that provides rehabilitative care and treatment  
2 for sex offenders.

3 “(4) ‘Locations where children are the primary occupants or users’ in-  
4 cludes, but is not limited to, public and private elementary and secondary  
5 schools and licensed child care centers.

6 “(5) ‘Sex offender’ means [a]:

7 “(a) A sexually violent dangerous offender as defined in ORS 137.765;

8 “(b) A level three sex offender under ORS 181.800 (3); or

9 “(c) [*Predatory sex offender as described in ORS 181.838*] **An unclassified**  
10 **adult sex offender designated as predatory prior to January 1, 2014, or**  
11 **a person whom the State Board of Parole and Post-Prison Supervision,**  
12 **the Psychiatric Security Review Board or the Oregon Health Authority**  
13 **has classified as a level three sex offender under section 7 (2)(b),**  
14 **chapter 708, Oregon Laws 2013.**

15 “(6) ‘Transitional housing’ means housing intended to be occupied by a  
16 sex offender for 45 days or less immediately after release from incarceration.

17 **“SECTION 17.** ORS 163.476 is amended to read:

18 “163.476. (1) A person commits the crime of unlawfully being in a location  
19 where children regularly congregate if the person:

20 “(a)(A) Has been designated a sexually violent dangerous offender under  
21 ORS 137.765;

22 “(B) Has been classified as a level three sex offender under ORS 181.800  
23 (3) [*or designated a predatory sex offender under ORS 181.838*], **is an un-**  
24 **classified adult sex offender designated as predatory prior to January**  
25 **1, 2014, or is a person whom the State Board of Parole and Post-Prison**  
26 **Supervision, the Psychiatric Security Review Board or the Oregon**  
27 **Health Authority has classified as a level three sex offender under**  
28 **section 7 (2)(b), chapter 708, Oregon Laws 2013,** and does not have written  
29 approval from the State Board of Parole and Post-Prison Supervision or the  
30 person’s supervisory authority or supervising officer to be in or upon the

1 specific premises;

2 “(C) Has been sentenced as a dangerous offender under ORS 161.725 upon  
3 conviction of a sex crime; or

4 “(D) Has been given a similar designation or been sentenced under a  
5 similar law of another jurisdiction; and

6 “(b) Knowingly enters or remains in or upon premises where persons un-  
7 der 18 years of age regularly congregate.

8 “(2) As used in this section:

9 “(a) ‘Premises where persons under 18 years of age regularly congregate’  
10 means schools, child care centers, playgrounds, other places intended for use  
11 primarily by persons under 18 years of age and places where persons under  
12 18 years of age gather for regularly scheduled educational and recreational  
13 programs.

14 “(b) ‘Sex crime’ has the meaning given that term in ORS 181.805.

15 “(3) Unlawfully being in a location where children regularly congregate  
16 is a Class A misdemeanor.

17 **“SECTION 18.** ORS 163.479 is amended to read:

18 “163.479. (1) A person commits the crime of unlawful contact with a child  
19 if the person:

20 “(a)(A) Has been designated a sexually violent dangerous offender under  
21 ORS 137.765;

22 “(B) Has been classified as a level three sex offender under ORS 181.800  
23 (3);

24 “[*(C) Has been designated a predatory sex offender under ORS 181.838;*]

25 “(C) **Is an unclassified adult sex offender designated as predatory**  
26 **prior to January 1, 2014, or a person whom the State Board of Parole**  
27 **and Post-Prison Supervision, the Psychiatric Security Review Board**  
28 **or the Oregon Health Authority has classified as a level three sex**  
29 **offender under section 7 (2)(b), chapter 708, Oregon Laws 2013;**

30 “(D) Has been sentenced as a dangerous offender under ORS 161.725 upon

1 conviction of a sex crime; or

2 “(E) Has been given a similar designation or been sentenced under a  
3 similar law of another jurisdiction; and

4 “(b) Knowingly contacts a child with the intent to commit a crime or for  
5 the purpose of arousing or satisfying the sexual desires of the person or an-  
6 other person.

7 “(2) As used in this section:

8 “(a) ‘Child’ means a person under 18 years of age.

9 “(b) ‘Contact’ means to communicate in any manner.

10 “(c) ‘Sex crime’ has the meaning given that term in ORS 181.805.

11 “(3) Unlawful contact with a child is a Class C felony.

12

13 **“INTERAGENCY INFORMATION SHARING**

14

15 **“SECTION 19. (1) Notwithstanding ORS 179.505, the Psychiatric Se-**  
16 **curity Review Board and the Oregon Health Authority shall provide**  
17 **to the State Board of Parole and Post-Prison Supervision any records**  
18 **that would assist the State Board of Parole and Post-Prison Super-**  
19 **vision in:**

20 **“(a) Performing an initial classification of a person into one of the**  
21 **three levels described in ORS 181.800, as required by ORS 181.801;**

22 **“(b) Deciding whether to reclassify a person as a level one or a level**  
23 **two sex offender or relieve the person from the obligation to report**  
24 **as a sex offender, as described in ORS 181.821; or**

25 **“(c) Conducting a risk assessment of a person who is an existing**  
26 **registrant to classify the person into one of the three levels described**  
27 **in ORS 181.800, as required by section 7, chapter 708, Oregon Laws 2013.**

28 **“(2) The State Board of Parole and Post-Prison Supervision may not**  
29 **release any records obtained pursuant to this section to any other**  
30 **agency or person unless authorized by law to do so.**

1       **“SECTION 20. (1) Notwithstanding ORS 179.505, the Oregon Health**  
2 **Authority shall provide to the Psychiatric Security Review Board any**  
3 **records that would assist the board in:**

4       **“(a) Performing an initial classification of a person into one of the**  
5 **three levels described in ORS 181.800, as required by ORS 181.801;**

6       **“(b) Deciding whether to reclassify a person as a level one or a level**  
7 **two sex offender or relieve the person from the obligation to report**  
8 **as a sex offender, as described in ORS 181.821; or**

9       **“(c) Conducting a risk assessment of a person who is an existing**  
10 **registrant to classify the person into one of the three levels described**  
11 **in ORS 181.800, as required by section 7, chapter 708, Oregon Laws 2013.**

12       **“(2) The board may not release any records obtained pursuant to**  
13 **this section to any other agency or person unless authorized by law**  
14 **to do so.**

15       **“SECTION 21. Notwithstanding ORS 419A.257 or any other provision**  
16 **of law, the Oregon Youth Authority and the juvenile department may**  
17 **disclose and provide copies of reports and other materials relating to**  
18 **a child, ward, youth or youth offender’s history and prognosis to the**  
19 **State Board of Parole and Post-Prison Supervision in order for the**  
20 **board to determine whether to reclassify the person as a level one or**  
21 **a level two sex offender or relieve the person from the obligation to**  
22 **report as a sex offender, as described in ORS 181.821, or whether to**  
23 **classify a person who is an existing registrant into one of the three**  
24 **levels described in ORS 181.800, as required by section 7, chapter 708,**  
25 **Oregon Laws 2013.**

26  
27               **“AMENDMENTS OPERATIVE ON JANUARY 1, 2019**  
28

29       **“SECTION 22. ORS 90.630, as amended by section 15 of this 2015 Act, is**  
30 **amended to read:**

1 “90.630. (1) Except as provided in subsection (4) of this section, the land-  
2 lord may terminate a rental agreement that is a month-to-month or fixed  
3 term tenancy for space for a manufactured dwelling or floating home by  
4 giving to the tenant not less than 30 days’ notice in writing before the date  
5 designated in the notice for termination if the tenant:

6 “(a) Violates a law or ordinance related to the tenant’s conduct as a  
7 tenant, including but not limited to a material noncompliance with ORS  
8 90.740;

9 “(b) Violates a rule or rental agreement provision related to the tenant’s  
10 conduct as a tenant and imposed as a condition of occupancy, including but  
11 not limited to a material noncompliance with a rental agreement regarding  
12 a program of recovery in drug and alcohol free housing;

13 “(c) Is classified as a level three sex offender under ORS 181.800 (3); **or**

14 “[*d*] *Is an unclassified adult sex offender designated as predatory prior to*  
15 *January 1, 2014, or a person whom the State Board of Parole and Post-Prison*  
16 *Supervision, the Psychiatric Security Review Board or the Oregon Health*  
17 *Authority has classified as a level three sex offender under section 7 (2)(b),*  
18 *chapter 708, Oregon Laws 2013; or]*

19 “[*e*] **(d)** Fails to pay a:

20 “(A) Late charge pursuant to ORS 90.260;

21 “(B) Fee pursuant to ORS 90.302; or

22 “(C) Utility or service charge pursuant to ORS 90.534 or 90.536.

23 “(2) A violation making a tenant subject to termination under subsection  
24 (1) of this section includes a tenant’s failure to maintain the space as re-  
25 quired by law, ordinance, rental agreement or rule, but does not include the  
26 physical condition of the dwelling or home. Termination of a rental agree-  
27 ment based upon the physical condition of a dwelling or home shall only be  
28 as provided in ORS 90.632.

29 “(3) The notice required by subsection (1) of this section shall state facts  
30 sufficient to notify the tenant of the reasons for termination of the tenancy

1 and state that the tenant may avoid termination by correcting the violation  
2 as provided in subsection (4) of this section.

3 “(4) The tenant may avoid termination of the tenancy by correcting the  
4 violation within the 30-day period specified in subsection (1) of this section.  
5 However, if substantially the same act or omission that constituted a prior  
6 violation of which notice was given recurs within six months after the date  
7 of the notice, the landlord may terminate the tenancy upon at least 20 days’  
8 written notice specifying the violation and the date of termination of the  
9 tenancy.

10 “(5) Notwithstanding subsection (3) or (4) of this section, a tenant who  
11 is given a notice of termination under subsection (1)(c) of this section does  
12 not have a right to correct the violation. A notice given to a tenant under  
13 subsection (1)(c) of this section must state that the tenant does not have a  
14 right to avoid the termination.

15 “(6) This section does not limit a landlord’s right to terminate a tenancy  
16 for nonpayment of rent under ORS 90.394 or for other cause under ORS  
17 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to  
18 105.168.

19 “(7) A tenancy terminates on the date designated in the notice and with-  
20 out regard to the expiration of the period for which, by the terms of the  
21 rental agreement, rents are to be paid. Unless otherwise agreed, rent is  
22 uniformly apportionable from day to day.

23 “(8) Notwithstanding any other provision of this section or ORS 90.394,  
24 90.396 or 90.398, the landlord may terminate the rental agreement for space  
25 for a manufactured dwelling or floating home because of repeated late pay-  
26 ment of rent by giving the tenant not less than 30 days’ notice in writing  
27 before the date designated in that notice for termination and may take pos-  
28 session as provided in ORS 105.105 to 105.168 if:

29 “(a) The tenant has not paid the monthly rent prior to the eighth day of  
30 the rental period as described in ORS 90.394 (2)(a) or the fifth day of the

1 rental period as described in ORS 90.394 (2)(b) in at least three of the pre-  
2 ceding 12 months and the landlord has given the tenant a nonpayment of rent  
3 termination notice pursuant to ORS 90.394 (2) during each of those three  
4 instances of nonpayment;

5 “(b) The landlord warns the tenant of the risk of a 30-day notice for ter-  
6 mination with no right to correct the cause, upon the occurrence of a third  
7 nonpayment of rent termination notice within a 12-month period. The warn-  
8 ing must be contained in at least two nonpayment of rent termination notices  
9 that precede the third notice within a 12-month period or in separate written  
10 notices that are given concurrent with, or a reasonable time after, each of  
11 the two nonpayment of rent termination notices; and

12 “(c) The 30-day notice of termination states facts sufficient to notify the  
13 tenant of the cause for termination of the tenancy and is given to the tenant  
14 concurrent with or after the third or a subsequent nonpayment of rent ter-  
15 mination notice.

16 “(9) Notwithstanding subsection (4) of this section, a tenant who receives  
17 a 30-day notice of termination pursuant to subsection (8) of this section does  
18 not have a right to correct the cause for the notice.

19 “(10) The landlord may give a copy of the notice required by subsection  
20 (8) of this section to any lienholder of the manufactured dwelling or floating  
21 home by first class mail with certificate of mailing or by any other method  
22 allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for  
23 any damages incurred by the tenant as a result of the landlord giving a copy  
24 of the notice in good faith to a lienholder. A lienholder’s rights and obli-  
25 gations regarding an abandoned manufactured dwelling or floating home  
26 shall be as provided under ORS 90.675.

27 **“SECTION 23.** ORS 144.641, as amended by section 16 of this 2015 Act,  
28 is amended to read:

29 “144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

30 “(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.



1 “(2) ‘Dwelling’ does not include a residential treatment facility or a  
2 halfway house.

3 “(3) ‘Halfway house’ means a publicly or privately operated profit or  
4 nonprofit residential facility that provides rehabilitative care and treatment  
5 for sex offenders.

6 “(4) ‘Locations where children are the primary occupants or users’ in-  
7 cludes, but is not limited to, public and private elementary and secondary  
8 schools and licensed child care centers.

9 “(5) ‘Sex offender’ means:

10 “(a) A sexually violent dangerous offender as defined in ORS 137.765; **or**

11 “(b) A level three sex offender under ORS 181.800 (3)[; or]

12 “[*(c) An unclassified adult sex offender designated as predatory prior to*  
13 *January 1, 2014, or a person whom the State Board of Parole and Post-Prison*  
14 *Supervision, the Psychiatric Security Review Board or the Oregon Health*  
15 *Authority has classified as a level three sex offender under section 7 (2)(b),*  
16 *chapter 708, Oregon Laws 2013*].

17 “(6) ‘Transitional housing’ means housing intended to be occupied by a  
18 sex offender for 45 days or less immediately after release from incarceration.

19 **“SECTION 24.** ORS 163.476, as amended by section 17 of this 2015 Act,  
20 is amended to read:

21 “163.476. (1) A person commits the crime of unlawfully being in a location  
22 where children regularly congregate if the person:

23 “(a)(A) Has been designated a sexually violent dangerous offender under  
24 ORS 137.765;

25 “(B) Has been classified as a level three sex offender under ORS 181.800  
26 (3), [*is an unclassified adult sex offender designated as predatory prior to*  
27 *January 1, 2014, or a person whom the State Board of Parole and Post-Prison*  
28 *Supervision, the Psychiatric Security Review Board or the Oregon Health*  
29 *Authority has classified as a level three sex offender under section 7 (2)(b),*  
30 *chapter 708, Oregon Laws 2013,*] and does not have written approval from the

1 State Board of Parole and Post-Prison Supervision or the person’s supervi-  
2 sory authority or supervising officer to be in or upon the specific premises;

3 “(C) Has been sentenced as a dangerous offender under ORS 161.725 upon  
4 conviction of a sex crime; or

5 “(D) Has been given a similar designation or been sentenced under a  
6 similar law of another jurisdiction; and

7 “(b) Knowingly enters or remains in or upon premises where persons un-  
8 der 18 years of age regularly congregate.

9 “(2) As used in this section:

10 “(a) ‘Premises where persons under 18 years of age regularly congregate’  
11 means schools, child care centers, playgrounds, other places intended for use  
12 primarily by persons under 18 years of age and places where persons under  
13 18 years of age gather for regularly scheduled educational and recreational  
14 programs.

15 “(b) ‘Sex crime’ has the meaning given that term in ORS 181.805.

16 “(3) Unlawfully being in a location where children regularly congregate  
17 is a Class A misdemeanor.

18 “**SECTION 25.** ORS 163.479, as amended by section 18 of this 2015 Act,  
19 is amended to read:

20 “163.479. (1) A person commits the crime of unlawful contact with a child  
21 if the person:

22 “(a)(A) Has been designated a sexually violent dangerous offender under  
23 ORS 137.765;

24 “(B) Has been classified as a level three sex offender under ORS 181.800  
25 (3);

26 “[*(C) Is an unclassified adult sex offender designated as predatory prior to*  
27 *January 1, 2014, or a person whom the State Board of Parole and Post-Prison*  
28 *Supervision, the Psychiatric Security Review Board or the Oregon Health*  
29 *Authority has classified as a level three sex offender under section 7 (2)(b),*  
30 *chapter 708, Oregon Laws 2013;*]

1 “[D)] (C) Has been sentenced as a dangerous offender under ORS 161.725  
2 upon conviction of a sex crime; or

3 “[E)] (D) Has been given a similar designation or been sentenced under  
4 a similar law of another jurisdiction; and

5 “(b) Knowingly contacts a child with the intent to commit a crime or for  
6 the purpose of arousing or satisfying the sexual desires of the person or an-  
7 other person.

8 “(2) As used in this section:

9 “(a) ‘Child’ means a person under 18 years of age.

10 “(b) ‘Contact’ means to communicate in any manner.

11 “(c) ‘Sex crime’ has the meaning given that term in ORS 181.805.

12 “(3) Unlawful contact with a child is a Class C felony.

13 **“SECTION 26. The amendments to ORS 90.630, 144.641, 163.476 and**  
14 **163.479 by sections 22 to 25 of this 2015 Act become operative January**  
15 **1, 2019.**

16

17 **“2013 SESSION LAW AMENDMENTS**

18

19 **“SECTION 27.** Section 7, chapter 708, Oregon Laws 2013, is amended to  
20 read:

21 **“Sec. 7. (1) As used in this section and sections 19 to 21 of this 2015**  
22 **Act:**

23 “(a) ‘Event triggering the obligation to make an initial report’ has the  
24 meaning given that term in [section 3 of this 2013 Act] **ORS 181.802.**

25 “(b) ‘Existing registrant’ means a person for whom the event triggering  
26 the obligation to make an initial report under ORS [181.595] **181.806** (3)(a)(A),  
27 [181.596] **181.807** (4)(a)(A) or [181.597] **181.808** (1)(a)(A), (2)(a)(A) or (3)(a)(A)  
28 occurs before January 1, 2014.

29 “(2)(a) No later than December 1, [2016] **2018**, the State Board of Parole  
30 and Post-Prison Supervision shall classify existing registrants in one of the

1 levels described in *[section 1 of this 2013 Act]* **ORS 181.800**. No later than  
2 February 1, *[2017]* **2019**, the Department of State Police shall enter the re-  
3 sults of the classifications described in this section into the Law Enforce-  
4 ment Data System.

5 “(b) The board shall classify an existing registrant as a level three sex  
6 offender under *[section 1 (3) of this 2013 Act]* **ORS 181.800 (3)**, if:

7 “(A) The person was previously designated a predatory sex offender and  
8 the designation was made after the person was afforded notice and an op-  
9 portunity to be heard as to all factual questions at a meaningful time and  
10 in a meaningful manner; or

11 “(B) The person is a sexually violent dangerous offender under ORS  
12 137.765.

13 “(c) **The Psychiatric Security Review Board may complete the risk**  
14 **assessment of an existing registrant who is under the jurisdiction of**  
15 **the Psychiatric Security Review Board or the Oregon Health Author-**  
16 **ity, regardless of whether the person has been found guilty except for**  
17 **insanity of a sex crime or was previously convicted of a sex crime, if**  
18 **the State Board of Parole and Post-Prison Supervision and the Psy-**  
19 **chiatric Security Review Board mutually agree that the Psychiatric**  
20 **Security Review Board has adequate resources to perform the assess-**  
21 **ment and that the performance of the assessment by the Psychiatric**  
22 **Security Review Board would assist in classifying the existing regis-**  
23 **trant in a more timely manner.**

24 “(3) As soon as practicable following the classification of an existing  
25 registrant under this section, the **classifying** board shall notify the person  
26 of the classification by certified mail.

27 “[*(4) If, for any reason, the board does not classify an existing registrant*  
28 *under subsection (2) of this section, the person is, by operation of law, classi-*  
29 *fied as a level three sex offender under section 1 (3) of this 2013 Act on Jan-*  
30 *uary 1, 2017.*]

1        “[5)(a)] **(4)(a)** An existing registrant who seeks review of a classification  
2 made under this section may petition the **classifying** board for review. The  
3 petition may be filed no later than[:]

4        “[A) *sixty*] **60** days after the board provides the notice described in sub-  
5 section (3) of this section[; or]

6        “[B) *Sixty days after the person receives actual notice of the classification,*  
7 *if the person is classified under subsection (4) of this section*].

8        “(b) Upon receipt of a petition described in this subsection, the **classify-**  
9 **ing** board shall afford the person an opportunity to be heard as to all factual  
10 questions related to the classification.

11        “(c) After providing the person with notice and an opportunity to be  
12 heard in accordance with this subsection, the board shall classify the person  
13 in accordance with the classifications described in [section 1 of this 2013  
14 Act] **ORS 181.800**, based on all of the information available to the **classify-**  
15 **ing** board.

16        “[6)] **(5)** The [board] **boards** shall adopt rules to carry out the provisions  
17 of this section.

18        “[7)] **(6)** An existing registrant may not petition for reclassification or  
19 relief from the obligation to report as a sex offender as provided in [section  
20 5 of this 2013 Act] **ORS 181.821** until either all existing registrants have been  
21 classified in one of the levels described in [section 1 of this 2013 Act] **ORS**  
22 **181.800** or December 1, [2016] **2018**, whichever occurs first.

23        “**(7) Notwithstanding ORS 181.837 or any other provision of law, the**  
24 **Department of State Police may until December 1, 2018, continue to**  
25 **use the Internet to make information available to the public concern-**  
26 **ing any adult sex offender designated as predatory as authorized by the**  
27 **law in effect on December 31, 2013.**

28        “**SECTION 28.** Section 34, chapter 708, Oregon Laws 2013, is amended to  
29 read:

30        “**Sec. 34.** (1) ORS 181.587 and 181.588 are repealed on January 1, 2014.

1 “(2) ORS 181.820 is repealed on January 1, [2017] **2019**.

2 “**SECTION 29.** Section 37, chapter 708, Oregon Laws 2013, is amended to  
3 read:

4 “**Sec. 37.** The amendments to section 35 [*of this 2013 Act*], **chapter 708,**  
5 **Oregon Laws 2013**, by section 36 [*of this 2013 Act*], **chapter 708, Oregon**  
6 **Laws 2013**, become operative on January 1, [2017] **2019**.

7  
8 “**MISCELLANEOUS PROVISIONS**

9  
10 “**SECTION 30.** ORS 144.102 is amended to read:

11 “144.102. (1) The State Board of Parole and Post-Prison Supervision or  
12 local supervisory authority responsible for correctional services for a person  
13 shall specify in writing the conditions of post-prison supervision imposed  
14 under ORS 144.096. A copy of the conditions must be given to the person  
15 upon release from prison or jail.

16 “(2) The board or the supervisory authority shall determine, and may at  
17 any time modify, the conditions of post-prison supervision, which may in-  
18 clude, among other conditions, that the person shall:

19 “(a) Comply with the conditions of post-prison supervision as specified by  
20 the board or supervisory authority.

21 “(b) Be under the supervision of the Department of Corrections and its  
22 representatives or other supervisory authority and abide by their direction  
23 and counsel.

24 “(c) Answer all reasonable inquiries of the board, the department or the  
25 supervisory authority.

26 “(d) Report to the parole officer as directed by the board, the department  
27 or the supervisory authority.

28 “(e) Not own, possess or be in control of any weapon.

29 “(f) Respect and obey all municipal, county, state and federal laws.

30 “(g) Understand that the board or supervisory authority may, at its dis-

1 cretion, punish violations of post-prison supervision.

2 “(h) Attend a victim impact treatment session in a county that has a  
3 victim impact program. If the board or supervisory authority requires at-  
4 tendance under this paragraph, the board or supervisory authority may re-  
5 quire the person, as an additional condition of post-prison supervision, to pay  
6 a reasonable fee to the victim impact program to offset the cost of the  
7 person’s participation. The board or supervisory authority may not order a  
8 person to pay a fee in excess of \$5 under this paragraph.

9 “(3) If the person is required to report as a sex offender under ORS  
10 181.806, the board or supervisory authority shall include as a condition of  
11 post-prison supervision that the person report, **as appropriate**, with the  
12 Department of State Police, **the Oregon Youth Authority, a county ju-**  
13 **venile department**, a city police department, a county sheriff’s office or the  
14 supervising agency:

15 “(a) When supervision begins;

16 “(b) Within 10 days of a change in residence;

17 “(c) Once each year within 10 days of the person’s date of birth;

18 “(d) Within 10 days of the first day the person works at, carries on a  
19 vocation at or attends an institution of higher education; and

20 “(e) Within 10 days of a change in work, vocation or attendance status  
21 at an institution of higher education.

22 “(4)(a) The board or supervisory authority may establish special condi-  
23 tions that the board or supervisory authority considers necessary because  
24 of the individual circumstances of the person on post-prison supervision.

25 “(b) If the person is on post-prison supervision following conviction of a  
26 sex crime, as defined in ORS 181.805, the board or supervisory authority shall  
27 include all of the following as special conditions of the person’s post-prison  
28 supervision:

29 “(A) Agreement to comply with a curfew set by the board, the supervisory  
30 authority or the supervising officer.

1       “(B) A prohibition against contacting a person under 18 years of age  
2 without the prior written approval of the board, supervisory authority or  
3 supervising officer.

4       “(C) A prohibition against being present more than one time, without the  
5 prior written approval of the board, supervisory authority or supervising of-  
6 ficer, at a place where persons under 18 years of age regularly congregate.

7       “(D) In addition to the prohibition under subparagraph (C) of this para-  
8 graph, a prohibition against being present, without the prior written ap-  
9 proval of the board, supervisory authority or supervising officer, at, or on  
10 property adjacent to, a school, child care center, playground or other place  
11 intended for use primarily by persons under 18 years of age.

12       “(E) A prohibition against working or volunteering at a school, child care  
13 center, park, playground or other place where persons under 18 years of age  
14 regularly congregate.

15       “(F) Entry into and completion of or successful discharge from a sex  
16 offender treatment program approved by the board, supervisory authority or  
17 supervising officer. The program may include polygraph and plethysmograph  
18 testing. The person is responsible for paying for the treatment program.

19       “(G) A prohibition against direct or indirect contact with the victim, un-  
20 less approved by the victim, the person’s treatment provider and the board,  
21 supervisory authority or supervising officer.

22       “(H) Unless otherwise indicated for the treatment required under subpar-  
23 agraph (F) of this paragraph, a prohibition against viewing, listening to,  
24 owning or possessing sexually stimulating visual or auditory materials that  
25 are relevant to the person’s deviant behavior.

26       “(I) Agreement to consent to a search of the person or the vehicle or  
27 residence of the person upon the request of a representative of the board or  
28 supervisory authority if the representative has reasonable grounds to believe  
29 that evidence of a violation of a condition of post-prison supervision will be  
30 found.



1       “(J) Participation in random polygraph examinations to obtain informa-  
2 tion for risk management and treatment. The person is responsible for paying  
3 the expenses of the examinations. The results of a polygraph examination  
4 under this subparagraph may not be used in evidence in a hearing to prove  
5 a violation of post-prison supervision.

6       “(K) Maintenance of a driving log and a prohibition against driving a  
7 motor vehicle alone unless approved by the board, supervisory authority or  
8 supervising officer.

9       “(L) A prohibition against using a post-office box unless approved by the  
10 board, supervisory authority or supervising officer.

11       “(M) A prohibition against residing in a dwelling in which another sex  
12 offender who is on probation, parole or post-prison supervision resides unless  
13 approved by the board, supervisory authority or supervising officer, or in  
14 which more than one other sex offender who is on probation, parole or  
15 post-prison supervision resides unless approved by the board or the director  
16 of the supervisory authority, or a designee of the board or director. As soon  
17 as practicable, the supervising officer of a person subject to the requirements  
18 of this subparagraph shall review the person’s living arrangement with the  
19 person’s sex offender treatment provider to ensure that the arrangement  
20 supports the goals of offender rehabilitation and community safety.

21       “(c)(A) If the person is on post-prison supervision following conviction of  
22 a sex crime, as defined in ORS 181.805, or an assault, as defined in ORS  
23 163.175 or 163.185, and the victim was under 18 years of age, the board or  
24 supervisory authority, if requested by the victim, shall include as a special  
25 condition of the person’s post-prison supervision that the person not reside  
26 within three miles of the victim unless:

27       “(i) The victim resides in a county having a population of less than  
28 130,000 and the person is required to reside in that county under subsection  
29 (7) of this section;

30       “(ii) The person demonstrates to the board or supervisory authority by a

1 preponderance of the evidence that no mental intimidation or pressure was  
2 brought to bear during the commission of the crime;

3 “(iii) The person demonstrates to the board or supervisory authority by  
4 a preponderance of the evidence that imposition of the condition will deprive  
5 the person of a residence that would be materially significant in aiding in  
6 the rehabilitation of the person or in the success of the post-prison super-  
7 vision; or

8 “(iv) The person resides in a halfway house.

9 “(B) A victim may request imposition of the special condition of post-  
10 prison supervision described in this paragraph at the time of sentencing in  
11 person or through the prosecuting attorney. A victim’s request may be in-  
12 cluded in the judgment document.

13 “(C) If the board or supervisory authority imposes the special condition  
14 of post-prison supervision described in this paragraph and if at any time  
15 during the period of post-prison supervision the victim moves to within three  
16 miles of the person’s residence, the board or supervisory authority may not  
17 require the person to change the person’s residence in order to comply with  
18 the special condition of post-prison supervision.

19 “(5)(a) The board or supervisory authority may require the person to pay,  
20 as a condition of post-prison supervision, compensatory fines, restitution or  
21 attorney fees:

22 “(A) As determined, imposed or required by the sentencing court; or

23 “(B) When previously required as a condition of any type of supervision  
24 that is later revoked.

25 “(b) The board may require a person to pay restitution as a condition of  
26 post-prison supervision imposed for an offense other than the offense for  
27 which the restitution was ordered if the person:

28 “(A) Was ordered to pay restitution as a result of another conviction; and

29 “(B) Has not fully paid the restitution by the time the person has com-  
30 pleted the period of post-prison supervision imposed for the offense for which

1 the restitution was ordered.

2 “(6) A person’s failure to apply for or accept employment at a workplace  
3 where there is a labor dispute in progress does not constitute a violation of  
4 the conditions of post-prison supervision.

5 “(7)(a) When a person is released from imprisonment on post-prison  
6 supervision, the board shall order as a condition of post-prison supervision  
7 that the person reside for the first six months after release in the county  
8 that last supervised the person, if the person was on active supervision as  
9 an adult for a felony at the time of the offense that resulted in the  
10 imprisonment.

11 “(b) If the person was not on active supervision as an adult for a felony  
12 at the time of the offense that resulted in the imprisonment, the board shall  
13 order as a condition of post-prison supervision that the person reside for the  
14 first six months after release in the county where the person resided at the  
15 time of the offense that resulted in the imprisonment.

16 “(c) For purposes of paragraph (b) of this subsection:

17 “(A) The board shall determine the county where the person resided at  
18 the time of the offense by examining records such as:

19 “(i) An Oregon driver license, regardless of its validity;

20 “(ii) Records maintained by the Department of Revenue;

21 “(iii) Records maintained by the Department of State Police;

22 “(iv) Records maintained by the Department of Human Services;

23 “(v) Records maintained by the Department of Corrections; and

24 “(vi) Records maintained by the Oregon Health Authority.

25 “(B) If the person did not have an identifiable address at the time of the  
26 offense, or the address cannot be determined, the person is considered to  
27 have resided in the county where the offense occurred.

28 “(C) If the person is serving multiple sentences, the county of residence  
29 is determined according to the date of the last arrest resulting in a con-  
30 viction.

1 “(D) In determining the person’s county of residence, the board may not  
2 consider offenses committed by the person while the person was incarcerated  
3 in a Department of Corrections facility.

4 “(d) Upon motion of the board, the supervisory authority, the person, a  
5 victim or a district attorney, the board may waive the residency condition  
6 under paragraph (b) of this subsection only after making a finding that one  
7 of the following conditions has been met:

8 “(A) The person provides proof of employment with no set ending date in  
9 a county other than the county of residence determined under paragraph (c)  
10 of this section;

11 “(B) The person is found to pose a significant danger to a victim of the  
12 person’s crime residing in the county of residence, or a victim or victim’s  
13 family residing in the county of residence is found to pose a significant  
14 danger to the person;

15 “(C) The person has a spouse or biological or adoptive family residing in  
16 a county other than the county of residence who will be materially signif-  
17 icant in aiding in the rehabilitation of the person and in the success of the  
18 post-prison supervision;

19 “(D) As another condition of post-prison supervision, the person is re-  
20 quired to participate in a treatment program that is not available in the  
21 county of residence;

22 “(E) The person requests release to another state; or

23 “(F) The board finds other good cause for the waiver.

24 “(8) As used in this section:

25 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and  
26 ‘works’ have the meanings given those terms in ORS 181.805.

27 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

28 “(B) ‘Dwelling’ does not mean a residential treatment facility or a half-  
29 way house.

30 “(c) ‘Halfway house’ means a residential facility that provides

1 rehabilitative care and treatment for sex offenders.

2 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

3 **“SECTION 31. ORS 181.838, 181.839 and 181.840 are repealed.**

4 **“SECTION 32. The unit captions used in this 2015 Act are provided**  
5 **only for the convenience of the reader and do not become part of the**  
6 **statutory law of this state or express any legislative intent in the**  
7 **enactment of this 2015 Act.**

8 **“SECTION 33. This 2015 Act being necessary for the immediate**  
9 **preservation of the public peace, health and safety, an emergency is**  
10 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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